

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2002-0120
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
MANCHESTER RESORTS
VIOLATION
OF
ORDER NO. R9-2000-0090, NPDES PERMIT NO. CAG919001

The San Diego Regional Water Quality Control Board (Regional Board), having held a public hearing on June 12, 2002, to hear evidence and comments on the allegations contained in Amended Complaint No. R9-2002-0111, dated April 17, 2002, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$21,000 finds as follows:

1. On June 14, 2000, the Regional Board adopted Order No. R9-2000-0090, NPDES Permit No. CAG919001, *General Waste Discharge Requirements For Temporary Groundwater Extraction And Similar Waste Discharges To San Diego Bay And Storm Drains Or Other Conveyance Systems Tributary Thereto*. Manchester Resorts was issued waste discharge requirements pursuant to Order No. R9-2000-0090 on July 13, 2001 for the downtown Hyatt Hotel Expansion project located at One Market Place, San Diego California. The site discharges to the City of San Diego's storm water conveyance system at Kettner Boulevard just south of North Harbor Drive and is ultimately discharged into San Diego Bay just west of the terminus of Kettner Boulevard.
2. The August, September, and October 2001 and February 2002 Manchester Resorts' Self-Monitoring Reports (SMRs) indicate seven sampling results in violation of Order No. R9-2000-0090's Discharge Specifications. These violations are summarized in attached Table 1, *Summary of Violations of Order No. R9-2000-0090, Manchester Resorts, San Diego Hyatt Hotel Expansion*.
3. Under California Water Code sections 13385(h) and (i), seven violations are subject to mandatory minimum penalties as outlined in Table 1.
4. The total amount of the mandatory minimum penalty s \$21,000.
5. Consideration of the factors prescribed in California Water Code Section 13385(e) based upon information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0111 supports assessment of civil liability pursuant to Water Code section 13385(i) in the amount of \$21,000 as detailed in Table 1.

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Manchester Resorts
San Diego Hyatt Hotel Expansion**

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6. The Regional Board incurred costs totaling \$4,840, which includes investigation, preparation of enforcement documents, and communication with the discharger.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on Manchester Resorts in the amount of twenty-one thousand dollars (\$21,000) and that the rationale for the assessment contained in Complaint No. R9-2002-0111 is hereby incorporated into this order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on June 12, 2002.


JOHN H. ROBERTUS
Executive Officer

Table 1.
Violation Summary for Manchester Resorts (August 2001 through February 2002)

Date	Gallons Discharged	Violation	Permit Limit	Report Value	Pollutant Category	Ratio Report to Permit	Chronic or Serious?	Water Code section 13385	Penalty
01 Aug 2001	193,900	Total Suspended Solids (TSS) instantaneous maximum	50 mg/L	176 mg/L	1	3.5	Serious	(h)(1)	\$3,000
14 Aug 2001	246,300	Total Suspended Solids (TSS) instantaneous maximum	50 mg/L	114 mg/L	1	2.3	Serious	(h)(1)	\$3,000
27 Aug 2001	104,100	Total Suspended Solids (TSS) instantaneous maximum	50 mg/L	116 mg/L	1	2.3	Serious	(h)(1)	\$3,000
31 Aug 2001	146,600	Total Suspended Solids (TSS) 30-day average	30 mg/L	135 mg/L	1	4.5	Serious	(h)(1)	\$3,000
04 Sep 2001	225,500	Total Suspended Solids (TSS) instantaneous maximum	50 mg/L	102 mg/L	1	2.0	Serious	(h)(1)	\$3,000
30 Oct 2001	289,900	Settleable Solids	3 ml/L	9.4 ml/L	1	3.1	Serious	(h)(1)	\$3,000
02 Feb 2002	63,100	Copper, instantaneous maximum	4.8 ug/L	9.27 ug/L 8.58 ug/L	2	1.9 1.8	Serious	(h)(1)	\$3,000
Total	1,269,400								Total Penalty \$21,000



Winston Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

San Diego Region

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9174 Sky Park Court, Suite 100, San Diego, California 92123
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Gray Davis
Governor

June 13, 2002

CERTIFIED MAIL RETURN RECEIPT REQUESTED
7099 3220 0005 6494 9407

Perry M. Dealy
Vice President of Operations
Manchester Resorts
One Market Place – 33rd Floor
San Diego, California 92101

File No. 14-0951.02

Administrative Civil Liability Order No. R9-2002-0120 For Mandatory Minimum Penalties Under CWC § 13385 for Violations Of Order No. R9-2000-0090 at the San Diego Hyatt Hotel Expansion

On June 12, 2002 the California Regional Water Quality Control Board, San Diego Region, (Regional Board) adopted Order No. R9-2002-0120 assessing a \$21,000 liability against Manchester Resorts for violations of Order No. R9-2000-0090. Pursuant to California Water Code section 13323 (d), payment of civil liability shall be made not later than thirty (30) days from the date of issuance by means of a cashier or company check made payable to the California State Water Resources Control Board and delivered to the Regional Board. Administrative enforcement for noncompliance with Order No. R9-2002-0120 and Order No. R9-2000-0090 are severe and include administrative civil liability of up to \$10,000 for each day in which the violation occurs, criminal prosecution or both.

Be advised that the Regional Board is reviewing Manchester Resorts final self-monitoring reports and that Manchester Resorts may be subject to further enforcement action. Please contact Frank Melbourn of my staff at (858) 467-2973, or via email at melbf@rb9.swrcb.ca.gov if you have any questions concerning this matter.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

JHR:mpm:mja:ftm

Attachment: ACL Order No. R9-2002-0120

s:/Compliance Assurance/Enforcement Orders/ACL/Manchester Resorts/ACL Transmittal.doc

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.